

## **MINUTES OF ORDINARY MEETING OF COUNCIL 22 APRIL 2020**

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Held on

**Wednesday 22 April 2020**

Commencing at 5.00pm

**eMeeting**

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A handwritten signature in black ink, appearing to read "BGR" followed by a flourish.

**Ben Rose  
Chief Executive Officer**

**24 April 2020**

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**SHIRE OF DONNYBROOK BALINGUP**  
**MINUTES OF ORDINARY COUNCIL MEETING**

eMeeting  
Wednesday 22 April 2020 at 5.00pm

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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**Shire President – Acknowledgment of Country**

The Shire President acknowledged the traditional custodians of the land, the Noongar People, paying respects to Elders, past and present and emerging.

The Shire Present declared the meeting open at 5.37pm.

**Shire President – Notification of eMeeting Procedures**

The *Local Government (Administration) Regulations* have been amended to allow eMeetings to be held during the COVID-19 pandemic situation and in accordance with Government guidelines.

Members of the public are advised that public questions need to be received by 3pm the day of the meeting. Under the amended *Local Government (Administration) Regulations*, Council can determine at the meeting whether to respond to the question at the meeting, or to take the question on notice and respond at a later date.

In accordance with Regulation 14E(b), the unconfirmed minutes of the meeting will be available for public inspection immediately following the meeting.

**Shire President – COVID Pandemic**

Noting the State and Federally-declared 'state of emergency' in relation to the COVID pandemic, the normal business processes of the Shire are temporarily disrupted while the Shire focuses on response and recovery arrangements, and as such, the Agenda for the April 2020 Ordinary Meeting of Council focusses on critical business decisions only.

## **2 ATTENDANCE**

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### **MEMBERS PRESENT (VIA EMEETING)**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Paul Breman – Executive Manager Corporate and Community
Cr Shane Atherton	Jaimee Earl – Administration Officer Executive Services
Cr Anita Lindemann	
Cr Anne Mitchell	
Cr Chaz Newman	
Cr Shane Sercombe	
Cr Chris Smith	
Cr Leanne Wringe	

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### **PUBLIC GALLERY**

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Nil. No public attendance available via eMeeting.

#### **2.1 APOLOGIES**

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Nil.

#### **2.2 APPROVED LEAVE OF ABSENCE**

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Nil.

#### **2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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Nil.

### **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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Nil.

### **4 DECLARATION OF INTEREST**

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Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Cr Mitchell declared an impartiality interest in the following items as she is Manager of an aged care facility:

- 12.1.1 Confidential – Units 3, 6 and 11 Preston Retirement Village
- 12.1.3 Confidential – Bridge Street, Donnybrook – Partnership Housing Project
- 12.1.4 Confidential – Aged Care Services Review

## **5 PUBLIC QUESTION TIME**

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### **5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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### **5.2 PUBLIC QUESTION TIME**

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#### **Questions on Notice - Susan and John Hickman**

In relation to Preston Retirement Village:

1. Why has the shire raised the maintenance fee per fortnight from \$108 to \$308?
2. What is the shire going to do about it?
3. If you were over 80 would you be able to understand all these figures shown to them properly?

Dear Mr John and Mrs Susan Hickman

#### **Re: Preston Village Retirement – Fee Structure**

Thank you for your letter dated 17 March 2020, containing a number of questions and statements relating to the above matter.

The questions identified in the letter along with our response are set out below however, to provide context, I have also set out the background to this issue:

In September 2019, the Council considered the operations of Preston Retirement Village and the level of the annual maintenance fee. At this time, it was identified there was inconsistencies in the application of the lease provisions and that Shire ratepayers were subsidising the operating costs of the Village. The Council decided to move to a position where, over time, the Shire ratepayers were not subsidising the maintenance costs at the Village with this change phased in over 4 years ending in 2023/24. Any new residents entering the Village after 25 September 2019, have been charged 100% of their share of the maintenance costs.

#### **QUESTIONS**

#### **Why has the Shire raised the maintenance fee per fortnight from \$108 to \$308**

The maintenance fee payable by each occupant of Preston Retirement Village is determined by the terms of the agreement between the occupant(s) and the Shire and is personal information, not for public disclosure. However, the members of the Village are consulted on the composition and level of maintenance costs each year at a meeting specifically called for this purpose. As such, the occupants can influence the level of the maintenance costs through this mechanism.

#### **What is the Shire doing about it?**

The Shire Staff are working through the implementation of the Council resolution with a heavy emphasis on communicating this to the Village residents.

**If you were over 80 would you be able to understand all these figures shown to them properly?**

Over the past 8 months, the Manager of Aged Care has provided the occupants of the Village with two detailed onsite presentations on the reasons for the change and the calculation of the fee. The Manager of Aged Care is always available to respond to any questions from the Village Residents.

**Annual Meeting of Electors, March 2020**

We have no record of a question being lodged with the Chief Executive Officer prior to the meeting relevant to the issues in your letter.

At the Annual Meeting of Electors, the President repeatedly ask if there were any question from the floor, before closing the “Questions without Notice” item and progressing to the next item on the agenda. It is considered that there was ample opportunity provided to pose a question on any topic however no question on Preston Village maintenance fees was asked at the meeting from any of the gallery present.

Thank you for your contribution to this issue and I hope that our response provides you with more clarity.

Regards

**Paul Breman**

Executive Manager Corporate and Community

**Questions on Notice – Simon McInnes**

1. The tenders for the main St project are to be in by the end of April. There is a design portion in these tenders. How soon will the public be able to look at all of the designs and comment on the 2-million-dollar project in the middle of their town?

*Response: The design/s will be released following the Council’s approval of the preferred tender/s, expected in late May 2020.*

2. There is no mention of the 3.2 million dollar short fall in the Shires operating Ratio in the risk and Audit committee minutes and it came as a complete surprise to both the CEO and Shire President when asked about it at the rate payers meeting. It is not being addressed in this meeting. How is this problem being addressed?

*Response: The response to this question was provided to Mr McInnes at the Annual General Meeting of Electors. The minutes to this meeting are public.*



## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

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### **6.2 PRESENTATIONS**

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### **6.3 DEPUTATIONS**

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## **7 CONFIRMATION OF MINUTES**

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### **7.1 ORDINARY MEETING OF COUNCIL – 25 MARCH 2020**

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Minutes of the Ordinary Meeting of Council held 25 March 2020 are attached (*attachment 7.2(1)*).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Ordinary Meeting of Council held 25 March 2020 be confirmed as a true and accurate record.**

#### **COUNCIL RESOLUTION 52/20**

**Moved: Cr Mitchell                      Seconded: Cr Massey**

**That the Minutes from the Ordinary Meeting of Council held 25 March 2020 be confirmed as a true and accurate record.**

**CARRIED 9/0**

### **7.2 SPECIAL MEETING OF COUNCIL – 6 APRIL 2020**

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Minutes of the Special Meeting of Council held 6 April 2020 are attached (*attachment 7.2(1)*).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Special Meeting of Council held 6 April 2020 be confirmed as a true and accurate record.**

#### **COUNCIL RESOLUTION 53/20**

**Moved: Cr Massey                              Seconded: Cr Atherton**

**That the Minutes from the Special Meeting of Council held 6 April 2020 be confirmed as a true and accurate record.**

**CARRIED 9/0**

### **7.3 SPECIAL MEETING OF COUNCIL – 14 APRIL 2020**

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Minutes of the Special Meeting of Council held 14 April 2020 are attached (*attachment 7.3(1)*).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Special Meeting of Council held 14 April 2020 be confirmed as a true and accurate record.**

#### **COUNCIL RESOLUTION 54/20**

**Moved: Cr Lindemann**

**Seconded: Cr Wringe**

**That the Minutes from the Special Meeting of Council held 14 April 2020 be confirmed as a true and accurate record.**

**CARRIED 9/0**

### **8 REPORTS OF COMMITTEES**

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Nil.

## **9 REPORTS OF OFFICERS**

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### **9.1 EXECUTIVE MANAGER OPERATIONS**

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Nil.

## **9.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY**

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### **9.2.1 ACCOUNTS FOR PAYMENT**

The Schedule of Accounts Paid under Delegation 3.1 (attachment 9.2.1(1)) is presented to Council for information.

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### **9.2.2 MONTHLY FINANCIAL REPORT – MARCH 2020**

The Monthly Financial Report for March is attached (attachment 9.2.2(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the monthly financial report for the period ended 31 March 2020 be received.**

#### **COUNCIL RESOLUTION 54/20**

**Moved: Cr Wringe**

**Seconded: Cr Newman**

**That the monthly financial report for the period ended 31 March 2020 be received.**

**CARRIED 9/0**

### **9.3 CHIEF EXECUTIVE OFFICER**

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**NOTE: ELECTOR’S MOTION FROM ANNUAL GENERAL MEETING OF ELECTORS  
16 MARCH 2020**

At the Annual General Meeting of Electors held 16 March 2020, the following was resolved:

*Elector’s Decision*

*Moved: Anataglia Mannello            Seconded: Janine Milton*

*That the Shire of Donnybrook Balingup form an all-embracing Sustainability Advisory Committee, similar to the one operating within the Shire of Bridgetown Greenbushes, utilising the skills of the community and working with the Shire to develop an adaptation plan to mitigate the challenges of drought, water security and bush fire risk we face as a community, while reducing our dependence on non-renewable energy sources through, although not limited to optimising waste to energy efficiencies.*

**CARRIED: 22/11**

As advised at the meeting, decisions made by Electors at an Annual Electors Meeting are presented to a meeting of Council for consideration per Section 5.33 of the *Local Government Act 1995*, which reads:

*‘All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting, or if that is not practicable, at the first ordinary council meeting after that meeting or at a special meeting called for that purpose, whichever happens first.’*

Unfortunately due to the unprecedented circumstances surrounding the developing COVID-19 situation, Shire staff have been unable to address the motion at this stage and will provide comment and a report on this motion to the next practicable Ordinary or Special Council Meeting.

**10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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Nil.

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

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**EXECUTIVE RECOMMENDATION**

That pursuant to section 5.4 of the Shire of Donnybrook Balingup Meeting Procedures Local Law, Council agrees to receive the following confidential item as new business of an urgent nature:

12.1.5 Confidential – Aged Care Services Review

**COUNCIL RESOLUTION 55/20**

Moved: Cr Massey

Seconded: Cr Atherton

That pursuant to section 5.4 of the Shire of Donnybrook Balingup Meeting Procedures Local Law, Council agrees to receive the following confidential item as new business of an urgent nature:

12.1.5 Confidential – Aged Care Services Review

**CARRIED 9/0**

**11.1 COVID-19 RECOVERY PLAN – RATEPAYER ‘CAPACITY TO PAY’ MEASURES**

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Note: This item will be presented to the May Ordinary Council Meeting.



## **12 MEETINGS CLOSED TO THE PUBLIC**

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### **12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

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The following confidential report and recommendation has been distributed separately and is not for circulation:

#### **12.1.1 CONFIDENTIAL – UNITS 3, 6 AND 11 PRESTON RETIREMENT VILLAGE**

This report is confidential in accordance with Section 5.23 of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

#### **12.1.2 CONFIDENTIAL – CONTRACT FOR SERVICES**

This report is confidential in accordance with Section 5.23 of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

#### **12.1.3 CONFIDENTIAL – BRIDGE STREET, DONNYBROOK – PARTNERSHIP HOUSING PROJECT**

This report is confidential in accordance with Section 5.23 of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

#### **12.1.4 CONFIDENTIAL – AGED CARE SERVICES REVIEW**

This report is confidential in accordance with Section 5.23 of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (a) *A matter affecting an employee or employees*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

#### **12.1.5 RECALL CONFIDENTIAL ITEM (RESOLUTION 44/20) BUDGET REVIEW 2019-20**

This report is confidential in accordance with Section 5.23 of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (a) *A matter affecting an employee or employees*
- (c) *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

#### **EXECUTIVE RECOMMENDATION**

**That the meeting be closed in accordance with section 5.3(2) of the *Local Government Act 1995* to discuss the following confidential items:**

- 12.1.1 Confidential – Units 3, 6 and 11 Preston Retirement Village**
- 12.1.2 Confidential – Contract for Services**
- 12.1.3 Confidential – Bridge Street, Donnybrook – Partnership Housing Project**
- 12.1.4 Confidential – Aged Care Services Review**
- 12.1.5 Recall Confidential Item (Resolution 44/20) Budget Review 2019/20**

#### **COUNCIL RESOLUTION 56/20**

**Moved: Cr Lindemann                      Seconded: Cr Newman**

**That the meeting be closed in accordance with section 5.3(2) of the *Local Government Act 1995* to discuss the following confidential items:**

- 12.1.1 Confidential – Units 3, 6 and 11 Preston Retirement Village**
- 12.1.2 Confidential – Contract for Services**
- 12.1.3 Confidential – Bridge Street, Donnybrook – Partnership Housing Project**
- 12.1.4 Confidential – Aged Care Services Review**
- 12.1.5 Recall Confidential Item (Resolution 44/20) Budget Review 2019/20**

**CARRIED 9/0**

The meeting was closed to consider confidential items at 5.45pm.

**COUNCIL RESOLUTION 62/20**

**Moved: Cr Newman**

**Seconded: Cr Mitchell**

**That:**

- 1. The meeting be re-opened.**
- 2. In accordance with Section 5.23(2) of the *Local Government Act 1995* and Section 4A of the *Local Government (Administration Regulations) 1996*, items are to remain confidential unless otherwise resolved by Council.**

**CARRIED 9/0**

The meeting was re-opened at 7.27pm.

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**12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

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**COUNCIL RESOLUTION 61/20**

*That:*

- 1. Council Resolution 44/20 'Budget Review 2019-20' and Attachment 7.1.2(1) be released from confidential status as at midday 24 April 2020.*
- 2. The Chief Executive Officer and Shire President prepare and release a media statement addressing the results of the Budget Review 2019-20.*

**COUNCIL RESOLUTION 44/20**

*That Council:*

- 1. Adopt the 2019-20 budget review statement with amendments to the 2019-20 budget line items as detailed in the attached Note 2 to the Statement, items (B) and (C).*
- 2. Instructs the Chief Executive Officer to take action to reduce the potential for a budget deficit as much as possible leading up to the 30 June 2020 within the confines of maintaining core operations, major projects and service delivery.*
- 3. Instructs the Chief Executive Officer to identify the opportunity for any potential deficit as at 30 June 2020 to be funded from Cash Reserves.*


### 13 CLOSURE

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The Shire President advised that the next Ordinary Council Meeting will be held on Wednesday 27 May 2020 commencing at 5.00pm, unless otherwise advised.

The Shire President closed the meeting at 7.28pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 27 May 2020.



Cr Brian Piesse  
**SHIRE PRESIDENT**